

NOTICE OF REPRIMAND
(By Consent)

Case No. 92-123-GA

Diane E. Xagoraris, P32106, Roseville, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #104.

- 1) Reprimand;
- 2) Effective December 2, 1992.

The respondent and the Grievance Administrator filed a stipulation for consent order of discipline pursuant to MCR 9.115 (F)(5), which was approved by the hearing panel and the Attorney Grievance Commission. Respondent pled nolo contendere to the allegations of professional misconduct in Counts One, Three, and paragraphs C(i) and (ii) of Count Four of the Formal Complaint. Count Two and paragraph C(iii) of Count Four were dismissed by stipulation.

In April, 1991, respondent was retained to represent a client in a child custody matter and accepted a \$1000 retainer. In May, 1991, the client advised respondent that she had resolved the custody dispute with her ex-husband, and requested a refund of the unearned portion of the \$1000 retainer. Respondent pled nolo contendere to the allegations that she: failed to make a refund to her client until October 1, 1991, despite her representation to her client that she would refund the unearned fee in June, 1991; commingled personal funds with funds maintained in her client trust account; failed to deposit the \$1000 retainer into a client trust account; and failed to provide to her client a complete accounting of the funds.

Respondent's conduct was alleged to be in violation of MCR 9.104(1-4); and the Michigan Rules of Professional Conduct, 1.15(a); 1.16(d); 8.4(a-c). Costs were assessed in the amount of \$114.20.